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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,300	12/01/2003	Ronald Adrianus Caarls	30758/39867	2879

4743 7590 12/29/2004

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EXAMINER

ROYAL, PAUL

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/725,300

Applicant(s)

CAARLS

Examiner

Paul Royal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 02/25/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 02/25/04 has been considered by the examiner. The IDS indicates a European Patent Office search report dated August 22, 2003 was submitted as part of the IDS however no such items was among the IDS documents, therefore the cited other document of a European Patent Office Search report was not considered by the Examiner.
2. Further, Patent US 3,968,854 presents a low noise muffler for small engines and it is unclear what aspect of this patent relates to the instant invention. A concise explanation of the relevance is requested.

Response to Amendment

3. The preliminary amendment filed 16 January 2004 has been entered.

Priority

4. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file. To be clear applicant has submitted German language (non-English) a European Patent Application (and Certificate) 02080018.1.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-13, 2-3, and 4-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. For claims 1-13, it is unclear whether applicant is claiming the front plate as an element of the invention. The phrase "... the housing *accommodating* a front plate ...", emphasis added, does not state whether or not the front plate is part of the invention. To accommodate an object is understood to mean to make room for that object but does not require the object to be present. As best understood, the invention does not require a front plate.

7. For claims 2-3, it is unclear whether applicant is claiming the light conforms to the shape of the three-dimensional body or that the light guide surface conforms to the shape of the three-dimensional body. In the interest of furthering prosecution on the merits of the instant application, as best understood, applicant is claiming the light conforms to the shape of the three-dimensional body.

8. For claims 4-9, it is unclear where the claim recites the light guide comprises a "plate", the claim is unclear because the independent claim 1 recites an element known

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as the "front plate". Where the word "plate" is used to indicate two different elements, the claim is unclear.

9. Further regarding claim 9, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-3, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Arie et al. (US 6,092,318).

Arie et al. teaches an illuminated sign comprising:

a housing (5, 312), the housing accommodating a front plate (3,205) of a light-transmitting material;

at least one three-dimensional light transmitting body (106, 207); and

a light source (12, 310), the illuminated sign further comprises at least one light guide (6, 104A, 204A, 330) for coupling light from the light source to the at least one three-dimensional body;

wherein the at least one light guide the plate (6, 104A, 204A, 330) comprises a surface for coupling light into the three-dimensional body, and the front plate (3,205), and wherein said surface is optically coupled to the three-dimensional body (106, 207) and conforms to the shape thereof and the at least one three-dimensional body (106, 207) is engaged to the front plate (3,205);

wherein the width of the light guide surface is smaller than the width of the three-dimensional body (note, where the light guide is inserted within the three-dimensional body, it is understood the width of the light guide surface is smaller than the width of the three-dimensional body);

Note, the three-dimension body (106,207) and light guide (204) are inserted into the holes within the indication panel/front plate (3,205), see column 8, lines 17-38 and column 12, lines 1-15.

11. Claims 1-4, 7, 8, and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Dimmick (5,151,679).

Dimmick teaches an illuminated sign comprising:

a housing (30a), the housing accommodating a opaque front plate (40a) of a light-transmitting material;

at least one three-dimensional body light transmitting (80); and

a light source (90), the illuminated sign further comprises at least one light guide (81) for coupling light from the light source to the at least one three-dimensional body;

wherein the at least one light guide (81) comprises a surface for coupling light into the three-dimensional body (80), and wherein said surface (81) is optically coupled to the three-dimensional body (80) and conforms to the shape thereof;

wherein the width of the light guide surface (81) is smaller than the width of the three-dimensional body (80);

wherein the light guide or one of the light guides (81) comprises a rear/second plate (60a), which extends at least substantially parallel to the front plate (40a), and wherein the at least one three-dimensional body (80) is engaged to the rear/second plate (60a);

wherein the rear/second-plate/light guide comprises a recess (81), in which the light source is accommodated; and

wherein the three-dimensional body consists of a ultra-violet hardening or self-hardening paste, see column 9, lines 31-36 where the stiffening indicates hardening.

For claim 7, note the surface (81) of the light guide of the rear/second plate (60a) in which the light source is accommodated is a recess.

For claim 8, note at least part of the front plate is opaque where it illuminates the lettering, see column 10, lines 63-67.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dimmick, as applied to claim 4, in view of Arie et al. (US 6,092,318).

Dimmick discloses the claimed invention except for wherein the at least one three-dimensional body engages on the edge of the plate.

Arie et al. teaches an illuminated sign wherein the at least one three-dimensional body (6) engages on the edge of the plate (3) to improve sign visibility.

It would have been obvious to one of ordinary skill in the art at the time of the invention to locate the at least one three-dimensional body engages on the edge of the plate, as taught by Arie et al., to improve sign visibility.

13. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dimmick, as applied to claim 1, in view of Lee (US 5,398,170).

Dimmick, as applied to claim 1, teaches an illuminated sign having the claimed limitations except wherein the light guide contains a fluorescence substance.

Lee teaches an optical fiber display including wherein the light guide (106) contains a fluorescence substance, see column 3, lines 25-34, to provide light enhancement.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the optical fiber display of Dimmick, as applied to claim 1, to include wherein the light guide contains a fluorescence substance, as taught by Lee, to provide light enhancement.

14. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arie et al., as applied to claim 1, in view of Lee (US 5,398,170).

Arie et al., as applied to claim 1, teaches an illuminated sign having the claimed limitations except wherein the light guide contains a fluorescence substance.

Lee teaches an optical fiber display including wherein the light guide (106) contains a fluorescence substance, see column 3, lines 25-34, to provide light enhancement.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the optical fiber display of Arie et al., as applied to claim 1, to include wherein the light guide contains a fluorescence substance, as taught by Lee, to provide light enhancement.

Allowable Subject Matter

15. Claims 6 and 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: For claim 6, the prior art does not show an illuminated sign as recited in the independent claim and as applicable to the dependent claims which includes at least one three-dimensional body engaged on beveled edges of the plate.

For claim 9, the prior art does not show an illuminated sign as recited in the independent claim and as applicable to the dependent claims which includes at least one opening provided through the opaque layer and the at least one three-dimensional body disposed on the openings.

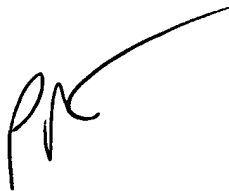
Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Green et al. teaches a method for making signs. Barth et al. teaches graphical display means. Bournay, Jr. et al. teaches a back lighting panel. Hasegawa teaches a display panel. Kopelman teaches a fiber optic sign. Grondal et al. teaches indirectly illuminating a sign.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Royal whose telephone number is 703-308-8570. The examiner can normally be reached on 8:30-4:30.

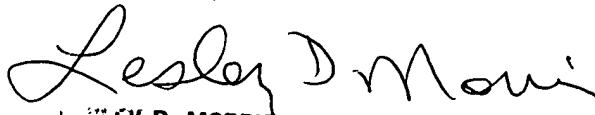
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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12/22/04

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Art Unit 3611



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